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TWO HARBORS CITY CHARTER

CHAPTER I, Introduction

Names And Boundaries

Section 1. The City of Two Harbors, Lake County, Minnesota shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established. The city administrator shall keep in his/her office at least two copies of this charter with amendments and shall maintain in each copy an accurate and up-to-date legal description and map of the boundaries of the city. The copies of the charter, amendments, boundary descriptions and map shall be available for public inspection anytime during regular office hours.

Powers Of The City

Section 2. The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of this state and of the United States and with the statutes of this state. It is the intention of this charter that every power that the people of this city might lawfully confer upon themselves as a municipal corporation by specific enumeration in this charter is deemed to have been so conferred by this section. The charter shall be construed liberally in favor of the city and the specific mention of particular municipal powers in other sections of this charter does not limit the powers of the city to those thus mentioned. Unless specifically granted to some other officer or body, all powers are vested in the city council. If the charter is silent on an issue, the city may apply statutory language, per Minnesota statutes, as may be amended from time to time.

Charter A Public Act

Section 3. This charter is a public act and need not be pleaded or proved in any case.

Succession

Section 4. When this Charter took effect the City of Two Harbors became the legal successor of the Village of Two Harbors, and was vested with all the rights and immunities formerly vested in said Village of Two Harbors, except as herein otherwise provided, and all ordinances existing at the time were given full force and effect until repealed or modified. All property, property rights, and interests of every kind and nature, formerly vested in said Village of Two Harbors, were vested in the City of Two Harbors under this charter; and all previously existing indebtedness, obligations and liabilities of said Village of Two Harbors, were assumed by the City of Two Harbors.

CHAPTER II, Elections

Time of Elections

Section 1. The regular city election for the election of city officers shall be held on the first Tuesday after the first Monday in November in every even-numbered year. All general laws of the State of Minnesota, relating to the election of city officers and the primaries thereof, shall so far as applicable, apply to and govern all nominations and elections under this charter, and all special elections, and are hereby adopted as a part of this charter, the same as if herein specifically re-enacted.

Election Laws

Section 2. All general laws of the State of Minnesota relating to elections, and all the preliminaries thereto, shall, as far as applicable, apply to and govern all elections under this charter, whether general or special, and are hereby adopted as a part of this charter the same as if herein specifically re-enacted, except as herein otherwise expressly provided and by this charter modified.

Alternative voting systems including but not limited to ranked ballot voting and instant runoff voting may be employed in city elections whenever not specifically prohibited by state or federal law.

Council Wards

Section 3. The city shall be and is hereby divided into four council wards. Each of the council wards shall form a separate election precinct of the city for the holding of all general elections, provided for under the laws of this state, and for the election of all corporate officers to be elected as provided for in this charter, or in any amendments thereof. Each council member shall be a resident of the council ward from which he or she is elected, but a change in council ward boundaries does not disqualify a council member from serving for the remainder of his or her term.

Elective Officers

Section 4. The elective officers of the city shall be a mayor, one council member from each council ward, and two council members at large. Each council member shall be a qualified elector and actual resident of the council ward for which elected, and shall continue to reside in such council ward while serving as council member. All of the other elected officers shall be residents and qualified electors of the city of Two Harbors.

Term of Office and Commencement of Term of Office

Section 5. The term of office of every officer elected under this charter, unless otherwise provided for, shall commence on the first business day of January following the election and shall continue for a term of four years and until his or her successor is elected and qualified, except when removed, as herein provided.

Vacancy-How Filled

Section 6. When a vacancy shall occur in the office of any officer elected by the people, such vacancy shall be filled by appointment by the city council for an unexpired term of less than two years and by special election for an unexpired term of more than two years. Such special election may be held in conjunction with the next general municipal election.

CHAPTER III, City Officers

Appointed Officers

Section 1. The city council shall appoint the city administrator, and all other officers necessary for the proper management of the affairs of the city, not otherwise provided for in this charter. Appointed officers shall serve until such time as they resign, retire or are removed for cause, as provided herein. All employees and officers herein referred to, unless removed for cause as above stated, shall have the right to serve until such time as they resign or retire.

City Contracts, Officers Not Interested

Section 2. No elected or appointed officer of the city shall, while in office, vote for or make any contract in behalf of the city or any department of the city with himself or herself or with any firm of which he or she is a member, or with any corporation or association of which he or she is an officer or director, nor shall he or she be in any manner directly or indirectly interested in any contract with the city, and in any contract in which said officer of the city is or becomes directly or indirectly interested, shall be and become absolutely void, and any officer by said act shall forfeit his or her said office.

Salaries of Officers and Employees

Section 3. The salaries of the mayor and councilors shall be set by the city council pursuant to state statutes.

CHAPTER IV, The Mayor

Powers

Section 1. The mayor shall be an active and voting member of the city council and shall be eligible to be president of the council if elected to such position. The mayor shall be recognized as the head of the city for all ceremonial purposes and for the service of civil process, but shall have no administrative duties. The mayor shall, from time to time, give the city council such information and recommend such measures as he or she shall deem advantageous to the city.

Mayor's Signature

Section 2. The mayor shall sign all bonds and obligations on behalf of the city, or other evidences of debt issued by the city, and all warrants and orders drawn on the city treasury, unless otherwise provided by law. He or she shall also sign all contracts on the part of

the city, all deeds, leases or other conveyances, or other written transfers of property made, except as otherwise provided in this charter. The mayor's signature will be attested by the city administrator.

Mayor Shall Communicate Service of Process

Section 3. The mayor shall, upon service of notice, summons or process in any action or proceeding against the city, forthwith inform the city attorney and the city council thereof.

CHAPTER V, Powers And Duties Of City Council

Legislative Power Vested in City Council

Section 1. The legislative power and authority of the city shall be vested in a city council, composed of the council members and mayor. The city council, except as in this charter otherwise provided, shall have the general management and control of the finances and all property of the city, and shall have full power and authority to make, amend or repeal all such ordinances and resolutions as it shall deem expedient for the government and good order of the city, for the protection of the public and public health, comfort and safety.

Organization

Section 2, The city council shall, at its first regularly scheduled meeting in January following the regular municipal election, organize, and at the time of its organization, proceed to elect a president and vice president for a two year term, and such other officers as may be necessary for the transaction of its business. The mayor and council members shall be eligible for such positions. Such election shall be by ballot if so requested by any member, and the affirmative vote of the majority of all the members present shall be necessary.

Duties of President

Section 3. The president, and in the case of the absence of the president, the vice president, shall preside over the meetings of the city council, and shall sign all resolutions and ordinances passed by the city council. During the absence of the mayor from the city, or the mayor's inability for any reason to discharge the duties of the office, the president and in the case of the absence of the president, the vice president shall have and exercise all the powers and duties of the mayor, as "acting mayor." The acts of such acting mayor shall have the same force and effect as if performed by the mayor.

Rules and Special Meetings

Section 4. The city council shall prescribe rules for its own guidance and the time for its regular meetings. A majority of the members of the council shall constitute a quorum. A quorum is required to conduct business. Special meetings shall be called in accordance with the statutes of the State of Minnesota. No business shall be transacted at a special meeting unless the same shall have been specified in the call.

Designation of Official Papers

Section 5. The council must annually designate a legal newspaper of general circulation in the city as the official newspaper. Ordinances, matters required by law and this charter to be published, and other matters that the council deems necessary are published in the official newspaper.

Ordinances and Resolutions

Section 6. The city council may act by ordinance or resolution. No ordinance, except for general appropriations, shall contain more than one subject, which shall be expressed in its title, nor shall any ordinance be amended after its introduction so as to change its original purpose.

Readings of an Ordinance

Section 7. No ordinance shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall be had at subsequent regular or adjourned regular meetings occurring at least one (1) week after its first reading, and such ordinance shall not be amended after the meeting at which it receives its second reading. It shall receive its third reading and be voted on only at a regular or adjourned regular meeting occurring at least one (1) week subsequent to the time at which the second reading was had.

Passage of Ordinances and Resolutions

Section 8. Every ordinance, except as in this charter or state statute otherwise provided, shall be passed by a majority vote of the members of the city council present. Resolutions, moratorium ordinances, and emergency ordinances are effective immediately upon passage or at a later date stated in the ordinance or resolution. Any other ordinance is effective 30 days after a publication of the ordinance in the official newspaper of the city, or at a later date stated in the ordinance.

The proof of such publication of ordinances by the affidavit of the newspaper, with a printed copy of the ordinance attached thereto, or any other competent proof of such publication, shall be prima facie evidence of the enactment and publication of such ordinance in any court in this state.

All ordinances shall be recorded by the city administrator, in books to be provided for that purpose.

Ordinances and Resolutions Requiring Two-thirds Vote

Section 9. A two-thirds (2/3) vote of all the members of the city council present shall be required for every ordinance or resolution appropriating money, or for the issuance of certificates of indebtedness in anticipation of tax or assessment levies, awarding or approving any contract for the payment of money, ordering any condemnation of private property, or the making of any local improvements.

Witnesses Before City Council

Section 10. The city council and any of its committees authorized by it so to do, shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence at any of its meetings, or before such committee, and for that purpose may issue subpoenas or attachments in any case of inquiry or investigations, to be signed by its president, or the chair of such committee, as the case may be, which shall be served and executed by any officer or person authorized by law to serve subpoenas and other processes.

Power to Levy Taxes and Make Assessments

Section 11. It shall have the power to fix the rate of, subject to the restrictions in this charter contained, and levy and collect general and special taxes for municipal purposes on real property in the city, and to levy assessments for local improvements, and to prescribe the procedure in making improvements and assessment therefor, insofar as the same is not fixed and prescribed by the terms of this charter.

Special Assessments

Section 12. The city shall follow the special assessment provisions of Minnesota statutes, as may be amended from time to time.

Eminent Domain

Section 13. The city may acquire by purchase, gift, condemnation or otherwise, any property, either within or without its boundaries, that may be needed by the city for any public purpose. In acquiring property by exercising the power of eminent domain, the city shall proceed according to Minnesota statutes or other applicable laws, as may be amended from time to time.

Public Utilities

Section 14.

a) Acquisition and operation of utilities. The city may own and operate any water, gas, light, power, heat, electronic communications, telephone, transportation or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other governmental agencies. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed. The city shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been incorporated in an ordinance and adopted by the council. Such ordinance shall not be an emergency ordinance.

b) Regulations and rates. The council may by resolution establish a procedure to fix rates, fares, and prices for any municipal utility, prescribe the time and manner of payment for any such service, make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

c) Lease of public utility. The council may by ordinance contract with any person, firm, or corporation for the operation of any municipal utility for a term not to exceed ten years. Such ordinance shall not be an emergency ordinance.

d) Sale of public utility. No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the voters voting thereon at a general or special election. Any sale, lease or abandonment of any city owned utilities shall be subject, in addition, to the requirements of state law.

Contracts Awarded-Warrants Drawn

Section 15. Contracts shall be awarded in accordance with the Uniform Municipal Contracting Law and other applicable laws.

Vacation of Streets

Section 16. The council may vacate streets, alleys, public ways and public grounds or parts thereof, in the city. The vacation shall be made in accordance with state statutes. The administrator must file a notice of completion of the vacation proceedings in accordance with state statutes as amended from time to time.

Compilation of Laws and Ordinances

Section 17. The council may, pursuant to this section and law, revise, rearrange, and codify the ordinances of the city with the additions and deletions found necessary by the council. The ordinance code may be prepared in book, pamphlet or continuously revised loose leaf form. Copies of the code must be kept available at the office of the city administrator for general distribution to the public free or at a reasonable charge. Preparation of the code is sufficient publication of an ordinance provision not previously published, if a notice is published annually in the official newspaper for two successive weeks stating that copies of the code are available at the office of the city administrator.

Debt

Section 18. Except as provided in the section entitled "Tax Anticipation Certificates", no obligations may be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limits prescribed by law.

Tax Anticipation Certificates

Section 19. At any time after January 1st following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for a fiscal year with interest thereon until maturity may not exceed 90% of the total current taxes for the fund uncollected at the time of issuance. The certificates (a) are issued on such terms and conditions as the council determines, (b) bear interest at no more than the lawful rate, and (c) are due and payable no later than the 1st day of April of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the

full faith and credit of the city must be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Franchises required

Section 20. Except as otherwise provided by law, no person, firm, or corporation may place or maintain a permanent or semi-permanent fixture in, over, upon, or under a street, highway, right-of-way, or easement owned by the city, or public place in the city for any purpose without a franchise therefor from the city.

Ordinance

Section 21. A franchise is granted by ordinance requiring a two-thirds vote for passage and may not be an emergency ordinance. An ordinance granting a franchise must contain all of the terms and conditions of the franchise. A franchise is not valid unless unconditionally and fully accepted by the grantee and filed with the city administrator.

Term

Section 22. Franchises are limited to not longer than 15 years.

Public Hearing

Section 23. Before a franchise ordinance is adopted the council must hold a public hearing on the matter. Notice of the hearing must be published at least once, in the official newspaper, not less than ten days prior to the hearing. All other requirements of applicable state and federal laws must also be satisfied.

Publication Costs

Section 24. The grantee of the franchise shall pay for publication of the franchise ordinance.

Power of Regulation Reserved

Section 25. Subject to applicable law the council may by ordinance reasonably regulate and control the exercise of a franchise. The rights of the grantee under a franchise are subject to the superior rights of the public to the use of streets and public places.

Renewals

Section 26. An extension, renewal, or modification of a franchise is subject to the same limitations and is granted in the same manner as a new franchise.

CHAPTER VI, Administrator

The city council shall appoint an administrator who shall be the chief administrative officer of the city and responsible to the council for administration of the city's affairs, reporting requirements, departments and operations. The administrator shall be responsible for keeping of all records of the city, proceedings of city council

meetings, and any statutory duties of a city clerk. The administrator shall also discharge other duties as may be required by this charter, the city council, the laws of the state of Minnesota, and federal laws. The administrator shall serve an indefinite term unless removed for cause.

CHAPTER VII, Finance Director

The city council shall appoint a finance director who shall also act as treasurer of the city and who shall receive, provide for safe keeping, and properly account for all moneys belonging or accruing to the city. The finance director shall provide for disbursement of city funds in a manner established and authorized by the city council and shall assist in the preparation of the city's budget, monthly financial reports and annual financial statements. The finance director shall also discharge other duties as may be required by this charter, the city council or by the laws of the state of Minnesota. The finance director shall serve an indefinite term unless removed for cause.

CHAPTER VIII, City Finance

Fiscal Year.

Section 1. The fiscal year of the city shall begin on the first day of January and terminate on the last day of December of each year.

General and Special Revenue Funds

Section 2. There shall be maintained in the city treasury a fund designated as the general fund into which shall be paid all moneys designated for general government operation and all moneys not specifically belonging to any other fund and from which there may be drawn for such general government operations and for such purposes as authorized by the city council.

There shall also be maintained in the city treasury an airport fund and a library fund designated as special revenue funds for activities supported by revenues from specific taxes or other earmarked general revenue sources. The city council may by resolution, establish additional special revenue funds needed to provide for activities which may be duly authorized.

Library Fund

Section 3. The library fund shall be under control of a library board herein provided for and subject to be paid out upon its order and into such funds shall be paid all amounts received from the sale of any property under the control of such board, and appropriations thereto and the proceeds received from the sale of any property under the control of such board, and all taxes, interest and penalties accruing thereto, by reason of the levy of any taxes for such board, and the proceeds of all gifts made to said library board, and out of such fund shall be paid the expenses of such board and all salaries, and the cost of the acquisition, maintenance and operation of the system of public libraries of the city, and of the property under the control of such board.

Permanent Improvement Fund

Section 4. There shall be maintained in the city treasury a fund to be designated as the permanent improvement fund, into which shall be paid all the moneys received from the sale of any property or permanent improvements of the city and such amounts from time to time as may be realized from the sale of any bonds or certificates of indebtedness issued on account of such fund, and all amounts collected on special assessments which may have been levied to provide for public improvements or services the payment of which may have been advanced in the first instance out of such fund. It may be further maintained by an annual tax levy to be made by the city council of an amount necessary. And out of such fund shall be paid the cost of acquiring all real property and appurtenances, and the construction and improvement of all buildings and permanent improvements which shall not be otherwise provided for out of other funds, and also the cost of all local improvements unless otherwise provided by resolution of the council. The city shall maintain such funds sufficient to meet the expenses of all such improvements as the same become payable as in this charter provided.

Enterprise Funds

Section 5. There shall be maintained separate funds for the operation of water, stormwater, electric, sewer and gas services, liquor dispensary, and other municipal enterprises which may be duly authorized. There shall be paid into each of these funds all moneys derived from its sales or services or sale of any property which had been acquired or used in connection with each enterprise, and proceeds of any special assessments or sale of bonds unless otherwise provided by resolution of the council.

The city finance director shall keep separate accounts for proceeds of the sale of bonds issued for construction, extension, improvement, or acquisition of each enterprise.

There shall be paid out of these enterprise funds the costs for operation, maintenance and repair, debt redemption and required reserves, and should there be an accumulated surplus, the city council may, by resolution, transfer said accumulation to a general or special revenue fund of the city.

Debt Service Fund

Section 6. There shall be maintained in the city treasury a debt service fund in order to provide for payment of any general obligation bonds which may be issued by the city. Such fund shall be maintained by annual tax levies or other dedicated revenues made by the city council for the payment or redemption of any lawfully authorized general obligation bonds.

Capital Projects Fund

Section 7. There may be established and maintained in the city treasury a capital projects fund to account for the receipt and disbursement of moneys used for construction or acquisition of capital facilities other than those financed by enterprise funds or special assessments.

Trust and Agency Funds

Section 8. There may be established and maintained in the city treasury trust and agency funds used to account for assets held by the city as trustee or agent for individuals, private organizations, and other governmental units.

Intergovernmental Funds

Section 9. There may be established and maintained in the city treasury intergovernmental services funds to account for activities or services performed by a designated unit within the city for other units within the city.

Report of Estimate

Section 10. The city administrator shall report to the city council an estimate of the current revenues and expenditures of the city for the current fiscal year and shall present a proposed budget for the coming fiscal year for each of the governmental and enterprise funds of the city. The report and proposed budget shall coincide with Truth in Taxation hearing publication and adoption dates established by the state of Minnesota.

Money—How Paid Out—City Orders

Section 11. All moneys belonging to the city, except as otherwise provided in this charter, shall be under the control of the city council, and shall be paid out only upon a resolution of the city council, by an affirmative vote of a majority of the whole number of the city council and countersigned by officials designated by the city council. The city council may establish a petty cash fund and other such funds, and allow designated officials to disburse monies from such funds without the prior approval of the city council. Such disbursements shall be subsequently reviewed and approved by the city council.

CHAPTER IX, Initiative, Referendum, and Recall

The Meaning of Initiative and Referendum

Section 1. The people of the city reserve to themselves the power, in accordance with the provisions of this chapter, to initiate and adopt ordinances, except ordinances appropriating money or authorizing the levy of taxes; and to require ordinances enacted by the council, except ordinances appropriating money or authorizing the levy of taxes, to be referred to the voters of the city for approval. These powers are initiative and referendum respectively.

Initiative

Section 2. Any proposed ordinance may be submitted to the council by a petition initiated by one or more qualified voters of the city and signed by a number of voters equal to 5% of the registered voters registered as of the day of last general city election. A qualified

voter does not have to be a registered voter but must be eligible to be registered as a voter in the city.

Petition Requirements

Section 3. The petition shall be in the form designated as Appendix A to this charter, and shall include the following information for each person signing:

1. signature
2. printed name
3. current address

All signatures need not be on the same sheet of paper but at least one of the circulators of each sheet must make an oath before an officer competent to administer oaths, such as a notary public, that the statements made are true and that each signature on the sheet is the genuine signature of the person it purports to be.

Processing of Petitions

Section 4. Within 10 business days of receiving a petition including the necessary number of signatures, the city administrator shall determine if the petitions are sufficient by verifying names and addresses of the signers, verifying the oaths of circulators, and verifying that the requisite number of names are listed. The city administrator shall then certify the petitions.

If the petitions are certified to be insufficient, the voters shall have 10 business days to amend from the date the petitions are certified by the city administrator. The conditions of sufficiency are in the first paragraph of this section, and include the names and addresses of the signers, the verified oaths of the circulators and the requisite number of names. The city administrator then has an additional 10 business days to certify the amended petitions. The voters may attempt to amend the petitions twice without prejudice. If unable to amend the petitions, the voters must start the process anew.

If the petitions are sufficient, the city administrator shall submit the proposed ordinance to the council without delay at the next regularly scheduled council meeting at which the council is authorized to take action.

The council shall either pass the ordinance without alteration within 45 business days of certification of the petitions by the city administrator or shall submit the ordinance to the voters at a special or general election.

Election Requirements

Section 5. If a general election is within 90 calendar days after the council determines to submit the ordinance to the voters, the council shall submit the ordinance to the voters at that next election. If there is not a general election within 90 calendar days, the council shall order a special election to be held within statutory time limits of special election laws and not more than 60 calendar days after the

council determines to submit the ordinance to the voters. Not more than one special election may be held in any period of six months.

Publishing Requirements

Section 6. The ordinance shall be published by one of the following methods:

- a. The city council may have the ordinance printed and enclose a copy of the printed ordinance with each sample ballot sent out at least 10 business days prior to the election, to each registered voter; or
- b. The city council may order that the ordinance be published in the official newspaper of the city in the same way ordinances adopted by the city are published, at least 10 business days prior to the election.

Ballot Requirements

Section 7. The ballot used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voter the opportunity to vote either "FOR THE ORDINANCE" or "AGAINST THE ORDINANCE".

Requirements for Passage of Ordinance

Section 8. The ordinance passes if it receives a majority vote of those voting on the ordinance. There is no limit on number of ordinances that can be voted on at the same election.

Repeal and Amendment Process

Section 9. If an ordinance is adopted by the vote of the people, it cannot be repealed except by a vote of the people unless the ordinance subsequently becomes in conflict with state or federal law or other city ordinances. Then the council shall be authorized to amend or repeal said ordinance in keeping with the spirit of the ordinance. The council may submit a proposition for the repeal or amendment of such an ordinance at any subsequent general election. Such a proposition must receive a majority vote of those voting on the proposition to repeal or amend the ordinance. Propositions to repeal or amend an ordinance require the same publication as the vote for a proposed ordinance.

Referendum

Section 10. If prior to the date when an ordinance of the council becomes effective, a petition, initiated by one or more qualified voters of the city and signed by a number of voters equal to 5% of the registered voters registered as of the day of the last general city election, may be filed with the city administrator, requesting that any such ordinance, or any part of such ordinance, not be enacted, or be submitted to a vote of the electorate. A qualified voter does not have to be a registered voter but must be eligible to be registered as a voter in the city.